THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16287 OF 2006

14th AUGUST, 2006

BETWEEN

Gompa Suryaprakasa Rao

... Petitioner

vs

The District Collector, Visakhapatnam and another.

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16287 OF 2006

ORDER:

The two petitioners are aggrieved by notification issued under Section 4(1) of the Land Acquisition Act, 1894 (the Act, for brevity), whereby and whereunder the District Collector proposed to acquire land in survey Nos.7/4A3A, 7/4A3B, 7/4A3C and 7/4A3D belonging to the petitioners admeasuring Acs.9.63 each situated at Narava village of Pendurthi Mandal of Visakhapatnam District. The land is sought to be acquired for expansion of Special Economic Zone of A.P.Industrial Infrastructure Corporation Limited, the second respondent herein. The notification is assailed on two grounds. First, when there is an alternative Government land available, the land cannot be acquired under the Act. Secondly, it is contended that the land is earmarked for residential use and therefore, acquisition of land for industrial purpose is impermissible.

A perusal of the notification under Section 4(1) of the Act would show that the land is agricultural land and no evidence is placed before this Court that the petitioners obtained necessary permission

from the District Collector for conversion of the land to residential purpose. Secondly, even if the land is earmarked for residential purpose, nothing prevents the Government to acquire the land for industrial purpose by issuing necessary notification under relevant provisions of A.P.Urban Areas (Development) Act, 1975 or A.P.Town Planning Act, 1920. On an allegation that the land is earmarked for residential purpose, the notification under Section 4(1) of the Act cannot be invalidated. Insofar as issue of availability of alternative land is concerned, the same is not justiciable.

The writ petition is devoid of any merit and is accordingly dismissed. No costs.

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(V.V.S.RAO,J)

14.08.2006
pln